

ILLINOIS COMMERCE COMMISSION

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CHIEF CLERK'S OFFICE

Application For Certificate of Service Authority Under Section 16-115 of the Public Utilities Act.

Docket No. 00-0199

(Reopen)

NOW COME Local Unions 15, 51 and 702, International Brotherhood of Electrical Workers, AFL-CIO, by their attorneys, and file with the Clerk of the Illinois Commerce Commission (“Commission”) their Objections to WPS Energy Service Inc.’s (“WPS”) Motion To Set Aside Order Reopening Proceeding for the following reasons:

1. While WPS asserts that the impetus and timing for the Commission's March 16, 2000¹ decision to Reopen Proceedings in the present case is not explained, the Commission's Order made the impetus and timing quite clear. The timing for the Commission's decision was WPS' filing of its f certification of continued compliance with Section 16-115(d)(5) of the Public Utilities Act ("Act").

2. In the period between WPS's original application and the Commission's April 18, 2000 order permitting WPS to provide ARES

service in Illinois, the Commission had given more consideration to the implications of its order. Among the concerns raised by Commission were the following:

- A. That the Commission's April 18, 2000 Order may have erred in the construction of Section 16-115 of the Act by permitting energy generated in another state to come into Illinois for Illinois customers when Illinois utilities were foreclosed from competing in the jurisdiction of the non-Illinois generator of energy.
 - B. That the Commission's April 18, 2000 Order may have erred in the construction of Section 16-115 of the Act by placing an absolute bar on participation by others who might have "information other than that provided by applicant."
3. To the first of its concerns, the Commission concluded that there could well be a strict reciprocity provision in Section 16-115(d)(5) requiring the out of state utility, affiliate of the utility or "nominally non-affiliated utility" demonstrate to the Commission that there were proceedings in its jurisdiction which opened it up to participation by Illinois' utilities to compete for customers in its jurisdiction in the manner that it intended to seek customers in Illinois. (p. 3 of March 16, 2001 Order).
4. To the second of its concerns, the Commission in its March 16, 2001 Reconsideration stated that the language of Section 16-115 of the Act itself placed no specific limits on the participation of others in having information to offer relevant to an application for ARES certification and

that the language of Section 16-115(d) specifically limited applicants for ARES certification rely solely on their own verified application and "such other evidence as the applicant may submit."

5. While WPS claims that the Commission's actions are tantamount to rulemaking the fact is that the Commission in the course of its certification procedures has to consider the relevant statutory authority and in doing so interpret that authority, it is simply engaged in case by case decision making just as other state and federal administrative agencies routinely have to construe the statutes regulating their procedural and substantive decisions.

6. The Commission made clear to WPS and others that it has standing authority "at any time" upon proper notice to the public utility affected to "rescind, alter or amend any . . . order or decision made by it." While WPS claims that it is not a public utility, it wishes to act as a competitor to public utilities in Illinois by providing power to larger end users of energy. Further WPS is affiliated with Wisconsin Public Service Company, a public utility, in Wisconsin and should not be able to use its affiliate status to escape the "public utility affected" language of Section 10-113 of the Act.

7. Further the Commission's own rules provide that the Commission "may on its own motion, reopen any proceeding" where it believes "conditions of fact or law" have changed, so as to "require, or that the public interest requires, such reopening." Clearly the Commission

believes, as its March 16, 2001 Order made clear, that the public interest
"requires, such reopening."

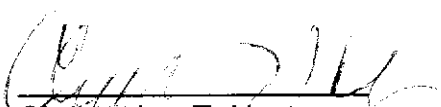
Respectfully submitted,

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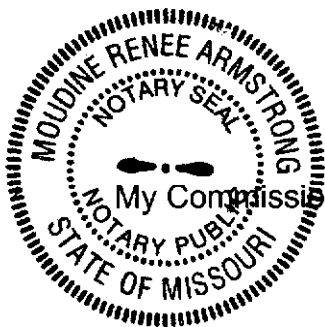
VERIFICATION

I, Christopher T. Hexter, first being duly sworn upon my oath, depose and state that I am one of the attorneys for Locals 15, 51, and 702 IBEW unincorporated Labor Unions; that I have read the above and foregoing Objections to WPS' Motion To Set Aside Order Reopening Proceeding and subscribe to and know the contents thereof; and that said contents are true in substance and in fact.


Christopher T. Hexter

Subscribed and sworn to before me this 3rd day of April, 2001.


Moudine Armstrong



MOUDINE RENEE ARMSTRONG
Notary Public - State of Missouri
County of St. Louis
My Commission Expires September 24, 2004

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Certificate of Service

The undersigned certifies that an original and one copy of Local Unions 15, 51 and 702 IBEW's Objections to WPS' Motion To Set Aside Order Reopening Proceeding were mailed and mailed this 3rd of April, 2001, by U.S. Postal Express Mail, to the following persons identified on the attached Service List:

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